

# **EXHIBIT 40**

## Patent Litigation Experience

### Rank by Number of Patent Cases

This chart shows the rank of the selected courts or judges among all other courts or judges determined by number of Patent Cases.

NDCA

#6

WDTX

#3

### Rank by Number of Patent Accusations

This chart shows the rank of the selected courts or judges among all other courts or judges determined by number of Patent Accusations.

NDCA

#9

WDTX

#4

### Patent Cases by Year

This chart shows the number of Patent Cases filed in the selected courts or assigned to the selected judges by year.

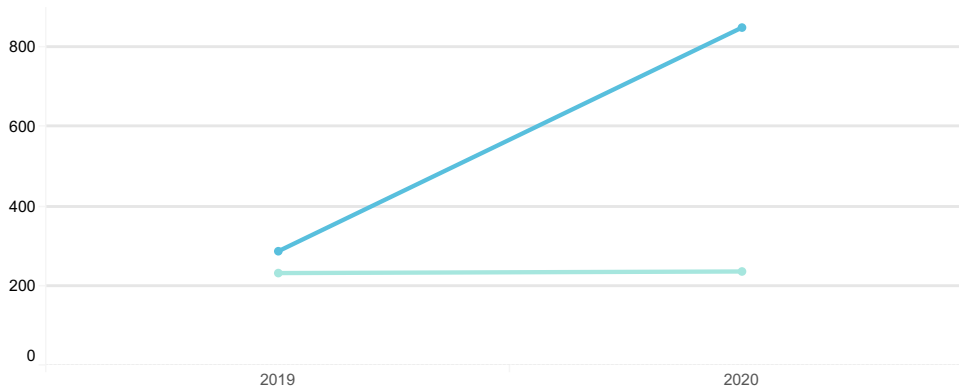
#### Type of Measure

- ☒ Patent Cases  
☐ Patent Accusations  
☐ Claim Constructions

#### Current Year Display

- ☐ Show YTD  
☒ Estimate Current Year  
☐ Hide Current Year

☐ NDCA  
☒ WDTX



### Trials

This chart shows the number of Patent Cases in the selected courts or assigned to the selected judges that have documents indicating a bench or jury trial, such as jury instructions, verdicts, or FRCP 52 Findings of Fact and Conclusions of Law. For PTAB Proceedings, this chart shows the number of Final Written Decisions in an APJ's cases.

WDTX  2 Cases

### Mature Cases

This chart shows the number of Patent Cases before the selected courts or judges that progressed to the point that the court issued at least one decision addressing the merits of the case, such as claim construction, summary judgment, a determination as to patent infringement, validity, or enforceability, trial, or award of a remedy. For PTAB Proceedings, this chart shows the number of institutions before.

NDCA  49 Cases

WDTX  83 Cases

Filing Date  
2019 to 2020  
and Null values

#### ANDA Cases

- ☒ ANDA Cases  
☒ Non-ANDA Cases

#### Patent Technology Center

- ☒ 1600 Biotechnology and Organi..  
☒ 1700 Chemical and Materials E..  
☒ 2400 Networking, Multiplexing, ..  
☒ 2800 Semiconductors/Memory, ..  
☒ 2900 Design  
☒ 3600 Transportation, Constructi..  
☒ 3700 Mechanical Engineering, ..  
☒ Computers, Communication, an..  
☒ Unclassified/Unknown